

# Hunter Biden gun charges trial underway

## Prosecution calls FBI agent as first witness

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USA TODAY and Delaware News Journal

WILMINGTON, Del. – “No one is above the law. It doesn’t matter who you are or what your name is,” prosecutor Derek Hines told the jury Tuesday in opening statements in Hunter Biden’s felony gun trial.

The president’s surviving son faces three felonies. He is charged with lying on a federal form that asked if he was addicted to drugs, lying to the gun dealer about his status as an addict and then possessing the gun for 11 days.

It is the first criminal case against an American president’s child, starting just days after former President Donald Trump became the first U.S. president to be convicted of a felony.

The charges carry a maximum penalty of 25 years in prison, though Biden is likely to get a shorter sentence if convicted. One juror dropped out Tuesday for lack of transportation to the courthouse.

As Biden’s wife, half-sister, and first lady Jill Biden sat in the courtroom, Hines made the initial case for Justice Department special counsel David Weiss’ team.

“Each day in courtrooms like this one, defendants from all walks of life are tried because of the choices they make, not the people they are,” Hines said. “Choices they made to break the law. This case is no different.”

Hines said Gordon Cleveland, the Delaware gun dealer who sold Hunter Biden a .38-caliber revolver in 2018, will testify that he watched the president’s son fill out a form stating he was not an unlawful drug user or addicted to controlled substances.

“What Mr. Cleveland didn’t know was that Mr. Biden was an unlawful user and he lied,” Hines said.

Hallie Biden, the widow of Hunter Biden’s brother Beau, will testify about his drug use and her own, under a grant of immunity.

She became a drug user but ceased using before October 2018, Hines said.

She was in a relationship with Hunter Biden at the time of the gun purchase. She told law enforcement she found a gun in his vehicle and threw it away outside a Delaware supermarket.

Prosecutors will also call Zoe Kestan, Hunter Biden’s former girlfriend, to discuss his frequent use of crack cocaine, Hines said. Kestan also has a grant of immunity.

### Defense: He was not using

For the defense, attorney Abbe Lowell emphatically told jurors that prosecutors can’t prove his client knowingly lied on the gun form at the heart of the trial.

“Hunter bought a small handgun. It was never loaded. He never used it. It was thrown out 11 days later by the person he was dating at the time. Just 11 days later,” Lowell said. “For this, three felonies.”

Pounding the lectern, Lowell said nobody will dispute that Hunter Biden struggled with drug use. He has been open about his longtime struggles with crack cocaine addiction, writing about it in a 2021 memoir.

Prosecutors said his drug abuse occurred before, during and after the gun purchase. They disclosed several messages in a court filing where Biden spoke of his drug use, including, “I was sleeping on a car smoking crack on 4th Street and Rodney.” In another, Biden said he was behind a minor league baseball stadium in Wilmington “waiting for a dealer named Mookie.”

Lowell said much of the evidence prosecutors outlined deals with episodes well before or after the gun purchase in October 2018.

“Hunter was not using when he bought the gun,” Lowell said.

Lowell said Biden didn’t knowingly lie on the form because he had recently completed a stint in rehabilitation.

He emphasized that prosecutors can’t prove that Biden believed himself to be addicted at the time he bought the gun.

Prosecutors also argued that Biden routinely withdrew large amounts of cash, including \$5,000 the day he bought the gun.



Hunter Biden arrives at the federal court in Wilmington, Del., on Tuesday with his wife, Melissa Cohen Biden. KEVIN LAMARQUE/REUTERS

Rather than paying for drugs, the president’s son didn’t have a credit card and was paying thousands for drug recovery programs, Lowell said.

Moreover, the gun shop cut corners, Lowell said: It didn’t receive verification of Biden’s address, as stores are legally required to do.

“A sale is a sale and that was their goal that day,” Lowell said. “You will hear they wanted it done quickly.”

The federal form defined terms such as “fugitive,” but not portions asking about drug use, Lowell said. It asked whether a person “is” using drugs, not “have you ever” used drugs. He asked jurors to listen to testimony from the gun dealer to determine whether they knew what the drug-related terms meant.

### Witness starts, witnesses to come

Prosecutors then began presenting their evidence by calling FBI special agent Erika Jensen.

Hines also played about 30 minutes of Biden’s voice narrating the audiobook version of his memoir, which included many passages about his constant hunt for drugs and what he called his “superpower – finding crack anytime, anywhere.”

The special counsel’s office said it will call about a dozen witnesses, according to multiple news reports. Those may include Biden’s ex-wife, Kathleen Buhle, and Lunden Roberts, the mother of his youngest daughter.

At least two employees from the gun store are expected to testify, as is a former state police officer who wrote the final investigative report on the incident.

Hunter Biden’s uncle James Biden will be a defense witness. He has helped his nephew pay for rehabilita-

tion and therapy to deal with his addiction to drugs, according to the defense.

His appearance threatens to attract even more political attention to the trial. House Republicans have investigated both Hunter and James Biden to see whether their foreign business deals benefited the president.

Both men denied wrongdoing, and a key witness has been charged with lying to the FBI.

Contributing: Reuters

## NOTICE OF PUBLIC HEARINGS

The Martin County Local Planning Agency will conduct a public hearing to consider whether to recommend adoption of an ordinance amending the Land Development Regulations on **June 20, 2024**, beginning at **7:00 P.M.**, or as soon thereafter as the item may be heard.

The Martin County Board of County Commissioners will conduct a public hearing to consider adoption of an ordinance amending the Land Development Regulations on **July 9, 2024** beginning at **9:00 A.M.**, or as soon thereafter as the item may be heard.

The public hearings will consider the following item:

**AN ORDINANCE OF MARTIN COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT REGULATIONS AMENDING 24-04, HOBE SOUND TRAIN STATION, AMENDING ARTICLE 12, COMMUNITY REDEVELOPMENT CODE, DIVISION 5, HOBE SOUND, LAND DEVELOPMENT REGULATIONS, MARTIN COUNTY CODE; ASSIGNING THE CRA SUBDISTRICT CORE (15 UNITS PER ACRE) TO AN ABANDONED RIGHT-OF-WAY, PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY, APPLICABILITY, FILING WITH THE DEPARTMENT OF STATE, CODIFICATION AND AN EFFECTIVE DATE.**

Martin County Board of County Commissioners has initiated a change to the Land Development Regulations on the above-referenced abandoned right-of-way at the corner of SE Vulcan Avenue and SE Athena Street in the Hobe Sound Community Redevelopment Area.

All interested persons are invited to attend and be heard. Both public hearings will be held in the Commission Chambers on the first floor of the Martin County Administrative Center, 2401 SE Monterey Road, Stuart, Florida 34996. Written comments may be mailed to: Paul Schilling, Director, Martin County Growth Management Department, 2401 S.E. Monterey Road, Stuart, Florida 34996. For further information, including copies of the original application or agenda items, contact Clyde Dulin, Comprehensive Planning Administrator at (772) 221-2327.

Persons with disabilities who need an accommodation in order to participate in this proceeding are entitled, at no cost, to the provision of certain assistance. This does not include transportation to and from the meeting. Please contact the Office of the ADA Coordinator at (772) 320-3131, or the Office of the County Administrator at (772) 288-5400, or in writing to 2401 SE Monterey Road, Stuart, FL, 34996, no later than three days before the hearing date. Persons using a TTY device, please call 711 Florida Relay Services.

**Intervenor in quasi-judicial hearings:** When attending a public hearing, a person may speak during the public comment portion of the public hearing. A person may also participate as an Intervenor. An Intervenor may ask questions of the staff, applicant and provide testimony. In order to be an Intervenor, a person must qualify to receive mailed notice of the application in accordance with Section 10.6.E, Land Development Regulations, Martin County Code. In addition, an Intervenor must file a form of intent with the County Administrator at least 7 business days prior to the LPA or BCC meeting. No fee will be assessed. If the Intervenor is representing a group/association, he/she must file a letter on official letterhead signed by an authorized representative of the group/association, stating that he/she is authorized to speak for the group. Forms are available on the Martin County website [www.martin.fl.us](http://www.martin.fl.us). Any documentation, including all digital media intended to be proffered as evidence must be submitted to the Growth Management Department at least 7 business days prior to the LPA or BCC meetings.

**Record for appeals:** If any person decides to appeal any decision made with respect to any matter considered at the meetings or hearings of any board, committee, agency, council, or advisory group, that person will need a record of the proceedings and, for such purpose, may need to insure that a verbatim record of the proceedings is made, which record should include the testimony and evidence upon which the appeal is to be based.



## NOTICE OF PUBLIC HEARINGS

The Martin County Local Planning Agency will conduct a public hearing to consider whether to recommend adoption of an ordinance amending the Martin County Comprehensive Growth Management Plan on **June 20, 2024**, beginning at **7:00 P.M.**, or as soon thereafter as the item may be heard.

The Martin County Board of County Commissioners will conduct a public hearing to consider adoption of an ordinance amending the Martin County Comprehensive Growth Management Plan on **July 9, 2024** beginning at **9:00 A.M.**, or as soon thereafter as the item may be heard.

The public hearings will consider the following item:

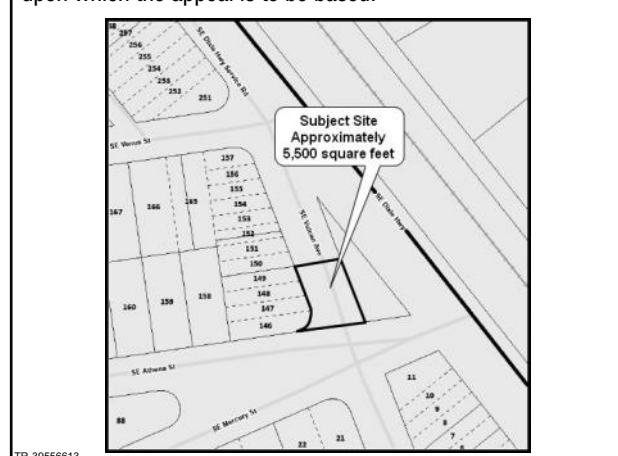
**AN ORDINANCE OF MARTIN COUNTY, FLORIDA REGARDING COMPREHENSIVE PLAN AMENDMENT 24-22, HOBE SOUND TRAIN STATION, AMENDING THE FUTURE LAND USE MAP OF THE MARTIN COUNTY COMPREHENSIVE GROWTH MANAGEMENT PLAN TO ASSIGN THE CRA CENTER FUTURE LAND USE DESIGNATION (15 UNITS PER ACRE) TO AN ABANDONED RIGHT-OF-WAY PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY, AND APPLICABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE, AND AN EFFECTIVE DATE.**

Martin County Board of County Commissioners has initiated a change to the Future Land Use Map on the above-referenced abandoned right-of-way.

All interested persons are invited to attend and be heard. Both public hearings will be held in the Commission Chambers on the first floor of the Martin County Administrative Center, 2401 SE Monterey Road, Stuart, Florida 34996. Written comments may be mailed to: Paul Schilling, Director, Martin County Growth Management Department, 2401 S.E. Monterey Road, Stuart, Florida 34996. For further information, including copies of the original application or agenda items, contact Clyde Dulin, Comprehensive Planning Administrator at (772) 221-2327.

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